

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LARRY L. EALY,

Plaintiff,

Case No. 3:16-cv-156

vs.

COMMISSIONER OF SOCIAL SECURITY,

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Defendant.

ORDER AND ENTRY: (1) REINSTATING THE NOTATION ORDER DATED APRIL 22, 2016 GRANTING PLAINTIFF’S MOTION TO PROCEED *IN FORMA PAUPERIS*; (2) VACATING THE ORDER TO SHOW CAUSE AND REPORT AND RECOMMENDATION (DOC. 3) DATED APRIL 22, 2016; (3) EXTENDING BY 14 DAYS THE TIME IN WHICH PLAINTIFF MUST PERFECT SERVICE OF PROCESS; AND (4) DIRECTING PLAINTIFF TO RETURN TO THE CLERK FORMS REQUIRED TO COMPLETE SERVICE OF PROCESS

This civil case is before the Court on *pro se* Plaintiff’s motion for leave to proceed *in forma pauperis* (“IFP”). Doc. 1. Plaintiff’s motion to proceed IFP was granted by Notation Order on April 22, 2016. The undersigned, however, having been advised of an Order issued in April 2009 that permanently enjoins Larry “E.” Ealy “from proceeding [IFP] in any future action filed in this Court and from filing any new complaint . . . without prior approval of the Court[,]” *see Ohio v. Ealy*, No. 1:09-CV-245, 2009 WL 1118704, at *5 (S.D. Ohio Apr. 24, 2009), vacated its Notation Order granting Plaintiff’s IFP motion, recommended that such motion be denied, and Ordered Plaintiff to show cause. Doc. 3. On May 2, 2016, *pro se* Plaintiff filed an objection (doc. 4) clarifying that he is Larry “L.” Ealy and, therefore, not subject to the permanent injunction.

Accordingly, the Court: (1) **REINSTATES** its Notation Order dated April 22, 2016 **GRANTING** *pro se* Plaintiff's motion to proceed IFP; (2) **VACATES** its Order to Show Cause and Report and Recommendation dated April 22, 2016 (doc. 3); (3) **EXTENDS** the time in which *pro se* Plaintiff must serve his complaint by 14 days; and (4) **DIRECTS** *pro se* Plaintiff to complete and return to the Clerk of Courts the forms required for the United States Marshal to complete service of process.

IT IS SO ORDERED.

Date: May 2, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge